



Attachment 5-13

Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related Federal Laws and Authorities

(Must be completed for each individual addressed included under overall project description)
 Use this worksheet for projects that are Categorically Excluded Subject to 24 CFR §58.5 listed at 24 CFR §58.35(a) and for projects that require an Environmental Assessment.

Project Name: _____

Project Number _____

Definitions: **A:** The project is in compliance.
 B: The project requires an additional compliance step or action.

Statute, Authority, Executive Order Cited at 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
1. 58.5(a) Historic Properties [36 CFR 800]				
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]				
3. 58.5(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]				
4. 58.5(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]				
5. 58.5(d) Sole Source Aquifers [40 CFR 149]			NA – None in NH	
6. 58.5(e) Endangered Species [50 CFR 402]				
7. 58.5(f) Wild and Scenic Rivers [36 CFR 297]				
8. 58.5(g) Air Quality [40 CFR parts 6, 51,61, 93]				
9. 58.5(h) Farmland Protection [7 CFR 658]				
10. 58.5(i)(1) Noise Control and Abatement [24 CFR 51B]				
11. 58.5 (i) (1) Explosive and Flammable Operations [24 CFR 51C]				

12. 58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]				
13. 58.5(i)(2)(i-iv) Contamination and Toxic Substances [24 CFR 58.5(i)(2)]				
14. 58.5(j) Environmental Justice [Executive Order 12898]				

DETERMINATION:

- Box "A" has been checked for all authorities.** For Categorically Excluded actions pursuant to §58.35(a) [Does not apply to EA or EIS level of review which can never convert to Exempt], the project can convert to Exempt, per §58.34(a) (12), since the project does not require any compliance measures (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down**; OR
- Box "B" has been checked for one or more authority.** For Categorically Excluded actions pursuant to §58.35(a), the project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. **Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §58.70 and §58.71 before committing funds**; OR
- This project is not a Categorically Excluded action pursuant to §58.35(a), or may result in a significant environmental impact to the environment, and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

MITIGATION MEASURES AND CONDITIONS FOR PROJECT APPROVAL: *(If Box B is checked, provide details regarding further consultation, mitigation, permit requirements or approvals required to be incorporated into public notices and project requirements such as contracts, grants, loan conditions, etc. as described in the Statutory Worksheet). Ensure required measures are included in 7015.15 Project Description Section.*

WORKSHEET FOR PREPARING 24 CFR §58.5 STATUTORY CHECKLIST

§58.5(A) HISTORICAL PROPERTIES

[36 CFR Part 800]

Historic Properties

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?
 Yes No

If Yes, continue.

If No, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?
 Yes No

If Yes, document compliance with the PA. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If No, continue.

- c. Is the project located within or directly adjacent to a historic district?
 Yes No

- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?
 Yes No

- e. Were any properties of historical, architectural, religious or cultural significance identified in the project's Area of Potential Effect (APE)?
 Yes No

If Yes to any of the questions above, continue.

If No to all of the questions above, the project will not affect historic properties. A concurrence from the SHPO that "no historic properties will be affected" is required. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”
 Yes No

If Yes, continue.

If No, consultation with the SHPO is required.

- g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- h. Have the SHPO and RE agreed on required mitigation or conditions?
 Yes No

If Yes, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, continue with consultation until resolved.

Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations No Tribal data available for NH as of 11/4/2014 CDEA

Comments:

Cite and attach source documentation: (Correspondence with SHPO/THPO. How determination of “no potential to cause effects” to historic properties was made.)

Information Resources:

State of NH SHPO

<http://www.nh.gov/nhdhr/>

National Register of Historic Places:

<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

National Conference of State Historic Preservation Officers:

<http://ncshpo.org/>

Map of Currently Recognized THPO’s: There are currently no THPOs in this state. 11/4/2014

<http://www.nathpo.org/map.html>

Section 106 Agreements Database:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/section106

What is APE:

<http://www.neh.gov/grants/manage/frequently-asked-questions-about-section-106-the-national-historic-preservation-act>

§58.5(B) (1) FLOODPLAIN MANAGEMENT

[24 CFR Part 55]

- a. Does the project involved minor repairs or improvements on one to four family properties that do not meet the threshold for “substantial improvement” of §55.2(b)(8), i.e., the cost does not equal or exceed 50% of the market value of the structure before improvement or repair started, before damage occurred.

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- b. Is the project located within (or have an impact on) a 100 year floodplain (Zone A) or Coastal High Hazard (Zone V) identified by FEMA maps?

Yes No

- c. Does the project involve a “critical action,” per §55.2(b) (2) (i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes No

If Yes to (b) or (c), follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain. Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 2 for an example of the 8-Step decision-making process. The 8-step decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices, as well as NOI/RROF and FONSI notices. Mark box “B” on the Statutory Checklist for this authority.

If No to (b) and (c), compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. Does the project involve a critical action in a coastal high hazard area or a floodway?

Yes No

If, Yes, HUD assistance may not be used for this project.

- e. Does the project involve a non-critical action which is not a functionally dependent use that is located in a floodway?

Yes No

If Yes, HUD assistance may not be used for this project

- f. Does the project involve a non-critical action which is not a functionally dependent use that is located in a coastal high hazard area?
 Yes No
If Yes, project is allowed **only** if it is designed for a location in a coastal high hazard area **and** is processed under Section 55.20. Design requirements must be noted in Statutory Checklist and 8-Step decision-making process.

Comments:

Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. As applicable, §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)

For more information see:

FEMA Map Service Center:

<http://www.msc.fema.gov>

[Type in the project address hit search](#)

[Left side of screen click on View NFHL data on FEMA GeoPlatform– hit view which will give you the map \(you might have to re-enter the address again\).](#)

1. §58.5(b) (2) Wetlands Protection (E.O. 11990)

- g. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?
 Yes No
If Yes, continue.
If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.
- h. Is the project within or adjacent to or will it affect wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the US Fish & Wildlife Service (USFWS) or U.S. Army Corps of Engineers (Corps)?
 Yes No
- i. Are there drainage ways, streams, rivers, or coastlines on or near the site?
 Yes No
- j. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?
 Yes No
- k. Does the project involve new construction and/or filling located within a wetland designated on a USFWS National Wetlands Inventory map?
 Yes No

If Yes to any of b – e above, comply with wetlands decision-making process of 24 CFR §55.20. (Use proposed Part 55 published in the Federal Register January 2012 for wetland procedures). Continue.

If No to all of b - e above, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

1. Will the project require a permit from the Corps under Section 404 of the Clean Water Act and/or will USFWS require wetland mitigation?

Yes No

If Yes, ensure this is noted in Part 55 and Part 58 public notices. Include all mitigation measures and permit requirements in the mitigation section of the Statutory Checklist. Compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (NWI Map with project location noted in reference to wetlands. §55.20 8/5-Step decision-making process analysis for new construction and/or filling, and any permits received.)

For more information see:

USFWS National Wetlands Inventory – Geospatial Wetlands Digital Data:

<http://www.FWS.gov/wetlands/data/index.html>

Recognizing wetlands:

http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw_bro.pdf

§58.5(C) COASTAL ZONE MANAGEMENT

[Coastal Zone Management Act of 1972, Sections 307(c) & (d)]

- m. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- n. Is the project located within a Coastal Zone as defined in your state Coastal Zone Management (CZM) Plan?

Yes No

If Yes, the State CZM Agency must make a finding that the project is consistent with the approved State CZM Plan. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Coastal Zone Management area. If applicable, State’s findings.)

For additional information see:

States and Territories Working with NOAA on Ocean and Coastal Zone Management:

<http://des.nh.gov/organization/divisions/water/wmb/coastal/>

http://des.nh.gov/organization/divisions/water/wmb/coastal/documents/nh_coastal_zone_map.pdf

§58.5(D). SOLE SOURCE AQUIFERS

[40 CFR Part 149]

NA - New Hampshire does not have any Sole Source Aquifers

§58.5(E) ENDANGERED SPECIES

[50 CFR Part 402]

- a. Does the project involve the type of activities that are likely to have “no effect on endangered species, such as:
- Demolition and construction or placement of a single family residence within a developed lot, and/or any loans or mortgages affiliated with such construction, demolition or placement provided they are not within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?
 Yes No
 - Rehabilitation or renovation activities associated with existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation?
 Yes No
 - Acquisition of existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such acquisition.
 Yes No
 - Purchase and placement of playground equipment within existing parks?
 Yes No
 - Resurfacing, repairing, or maintaining existing streets, sidewalks, curbs, trails, parking lots and/or any other existing paved surfaces where additional ground disturbance, outside of the existing surface is not necessary?
 Yes No

If Yes to any of the above, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors and non-RE grant recipients). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No to all of the above, continue.

Use the link to determine the project proximity:

Radius Tool: <http://www.freemaptools.com/radius-around-point.htm> input your address on top, go below the map and fill in the feet space, click on map and the radius will be shown. If you have questions please call CDFA.

- b. Has the US Fish and Wildlife Service or the National Marine Fisheries Services identified listed species or designated critical habitat in the county where the project is located?

Yes No

If Yes, continue.

If No, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the Services is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- c. Is the project located within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?

Yes No

If Yes, conduct special studies by a qualified professional to determine whether the project may affect the species or habitat to support a May Effect finding.

If No, continue below

Use the link to determine the project proximity:

Radius Tool: <http://www.freemaptools.com/radius-around-point.htm> input your address on top, go below the map and fill in the feet space, click on map and the radius will be shown. If you have questions please call CDFA.

- d. Does the project constitute a major construction activity (a major Federal action that modifies the physical environment and would normally require the preparation of an EIS)?

Yes No

If Yes, formal consultation with the Services is required in accordance with procedural regulations contained in 50 CFR Part 402. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- e. If federally protected species or critical habitat have been identified within the project area, has a special study been conducted by a qualified professional to determine the effects of the project on each species and critical habitat?

Yes No

If Yes, continue.

If No, a special study should be conducted to determine the effects of the project on federally protected species and critical habitat. Continue.

- f. Has the RE made a determination based on professional findings that the project is “Not Likely to Adversely Affect” any federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats?

Yes No

If Yes, Service’s concurrence with findings is required. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- g. Has the RE determined based on professional findings that the project “May Affect” federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), or adversely modify critical habitats?

Yes No

If Yes, formal consultation is required with the Services, in accordance with procedural regulations contained in 50 CFR Part 402, which mandates formal consultation in order to preserve the species. Mark box “B” on the Statutory Checklist for this authority.

If No, contact your FEO for assistance in determining impacts to federally protected species and critical habitat.

Comments:

Cite and attach source documentation: (Memorandum to the file by the RE supporting the finding of “No Effect.” Concurrence memo from one or both of the Services for a finding of “Not Likely to Adversely Affect.” Biological Opinion from one or both of the Services for a finding of “May Affect.”)

For additional information see: (The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c). 50 CFR 402).

USFWS ESA Species Search:

<http://www.FWS.gov/endangered/species/index.html>

NMFS ESA Species Search:

<http://www.nmfs.noaa.gov/pr/species/esa/>

USFWS Critical Habitat Maps:

<http://crithab.FWS.gov/>

NMFS Critical Habitat Maps:

<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

Endangered Species Consultation Handbook:

http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf

§58.5(F) WILD AND SCENIC RIVERS

[36 CFR Part 297]

- h. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- i. Is the project is located within one quarter of a mile (1/4) of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system or an inventory river?
 Yes No

If Yes, determination from the National Park Service (NPS) must be obtained, with a finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI Rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Use the link to determine the project proximity:

Radius Tool: <http://www.freemaptools.com/radius-around-point.htm> input your address on top, go below the map and fill in the feet space, click on map and the radius will be shown. If you have questions please call CDFA.

Comments:

Cite and attach source documentation: (Maps noting project location and showing proximity to protected rivers. Relevant determinations or results of consultation)

For further information see:

National Park Service:

Designated Rivers <http://www.rivers.gov/rivers/map.php>

Study Rivers <http://www.rivers.gov/rivers/study.php>

National River Inventory (NRI) listed rivers: <http://www.nps.gov/ncrc/programs/rtca/nri/>

§58.5(G) AIR QUALITY

[40 CFR Parts 6, 51, 61 and 93]

- j. Does the project involve demolition or renovation of buildings likely to contain asbestos containing materials?

Yes No

If Yes, ensure the project is in compliance with EPA's Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations. Continue below.

If No, continue.

- k. Does the project require an environmental assessment or environmental impact statement?

Yes No

If Yes, continue.

If No, compliance with Clean Air Act State Implementation Plan factor is complete. Mark Box A on the Statutory checklist.

- l. Does the project involve five or more dwelling units, acquisition of undeveloped land, a change of land use, demolition, major rehabilitation, or new construction?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- m. Is the project located in a Non-Attainment area?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

<http://www.epa.gov/oar/oaqps/greenbk/>

- n. Is the project consistent with the air quality State Implementation Plan (SIP)?
 Yes No

If Yes, obtain letter of consistency showing that the project is consistent with the SIP. Compliance is complete. Mark box “B” on the Statutory Checklist for this authority.
If No, continue.

- o. Has EPA determined that the proposed activity is one that requires a permit under the SIP?
 Yes No

If Yes, continue.
If No, compliance is complete. Mark box “B” on the Statutory Checklist for this authority.

- p. Will project exceed any of the *de minimis* emissions levels of all non-attainment and maintenance level pollutants or exceed the screening level established by the state or air quality management district?
 Yes No

If Yes, continue.
If No, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority. Attach all documents used to make your determination (See Conformity determination thresholds at 40 CFR 93.153(b) Include engineering/construction assessments of emissions during construction and operating phases).

- q. Can project be brought into compliance through mitigation?
 Yes No

If Yes, list mitigation measures required to achieve conformance with SIP in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.
If No, Federal assistance may not be used at this location.

Comments:

Cite and attach source documentation: (Letter of consistency with SIP, assessment of emissions, air permits received, mitigation measures taken, etc.)

For further information see:

The Green Book Nonattainment Areas for Criteria Pollutants:

<http://www.epa.gov/oar/oaqps/greenbk/>

Region 1 Air State Implementation Plans:

§58.5(H) FARMLANDS PROTECTION

[7 CFR Part 658]

- r. Does the project involve acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- s. Is project located in an area committed (zoned) to urban uses?
 Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- t. Does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service)?
 Yes No

If Yes, request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands). Mark box “B” on the Statutory Checklist for this authority. Include mitigation measures in the mitigation section of the Statutory Checklist.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Zoning map with project location noted. Form AD-1006 from NRCS.)

For additional information see:

NRCS Soil Maps:

<http://websoilsurvey.nrcs.usda.gov/app/>

Form AD-1006 and instructions:

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf

Farmland Protection Policy Act

§58.5(l) (1) NOISE ABATEMENT AND CONTROL

[24 CFR Part 51B]

- u. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- v. Is the project located within:
- 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;
 Yes No
 - 1000 feet of a major highway or busy road;
 Yes No
 - within 3000 feet of a railroad.
 Yes No

If Yes to any the above, complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- w. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- x. Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?
 Yes No

If No, for projects in the normally unacceptable zone (65dB – 75dB), noise attenuation measures are strongly encouraged for rehabilitation and required for new construction to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for

this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

If Yes, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). Noise attenuation measures are strongly encouraged for rehabilitation projects with unacceptable noise exposure to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

Comments:

Cite and attach source documentation: (Maps with project location indicating distance from noise sources. DNL calculations and/or NAG worksheets.)

For more information see:

HUD noise guidebook:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/noise

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/noise

<http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm>

<http://www.hud.gov/offices/cpd/environment/mitigation.cfm>

<http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp>

FAA:

http://www.faa.gov/airports/planning_capacity/npias/reports/

§58.5(I) (1) EXPLOSIVE AND FLAMMABLE OPERATIONS

[24 CFR 51C]

- y. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- z. Was a field observation performed by a qualified professional which documents there are above ground storage tanks within line of site of the project?

Yes No

- aa. Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

Yes No

- bb. Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?

Yes No

If Yes to any of b – d above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

If No to all of b – d above, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- cc. Is the project located at an Acceptable Separation Distance from any above-ground explosive or flammable fuels or chemicals containers as calculated above?

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- dd. Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

Yes No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Comments:

Cite and attach source documentation: (Maps with project location noted showing distance from explosives and flammable operations. ASD calculations/worksheet.)

For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive

Acceptable Separation Distance Guidebook :

<http://portal.hud.gov/hudportal/documents/huddoc?id=HUD-Guidebook.pdf>

Barrier Design Guidance for HUD Assisted Project Near Hazardous Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/hazfacilities

§58.5(l) (1) AIRPORT HAZARDS

[24 CFR 51D]

- ee. Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the unit density or number of people at the site?
 Yes No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- ff. Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ)?
 Yes No

- gg. Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?
 Yes No

If **Yes** to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ. Continue.

If **No** to both of the above questions, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- hh. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?
 Yes No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- ii. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).
 Yes No

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

- jj. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?
 Yes No

If Yes, HUD funds may not be used for this project.

If No, continue.

- kk. If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?
 Yes No

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

Comments:

Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)

For further information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport

§58.5(I) (2) CONTAMINATION AND TOXIC SUBSTANCES

- II. Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal National Priorities List (NPL)	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal Delisted NPL Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal CERCLIS No Further Remedial Action Planned (NFRAP) Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Correction Action (CORRACTS) Facilities List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Non-CORRACTS Treatment, Storage and Disposal (TSD) Facilities List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Generators List	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
Federal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
Federal Emergency Response and Notification System (ERNS) List	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent NPL	1	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent CERCLIS	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Leaking Storage Tank Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Voluntary Cleanup Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Brownfield Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>

mm. Did a visual inspection of the site show the following?

	Yes	No
Distressed vegetation	<input type="checkbox"/>	<input type="checkbox"/>
Vent or Fill Pipes	<input type="checkbox"/>	<input type="checkbox"/>
Storage Oil Tanks or Questionable Containers	<input type="checkbox"/>	<input type="checkbox"/>
Pits, Ponds or Lagoons	<input type="checkbox"/>	<input type="checkbox"/>
Stained Soil or Pavement (other than water stains)	<input type="checkbox"/>	<input type="checkbox"/>
Pungent, Foul or Noxious Odors	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.	<input type="checkbox"/>	<input type="checkbox"/>

mn. Has the property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
Car Dealership	<input type="checkbox"/>	<input type="checkbox"/>	Auto Garage	<input type="checkbox"/>	<input type="checkbox"/>
Depot	<input type="checkbox"/>	<input type="checkbox"/>	Commercial Printing Facility	<input type="checkbox"/>	<input type="checkbox"/>
Industrial or commercial warehouses	<input type="checkbox"/>	<input type="checkbox"/>	Dry Cleaners	<input type="checkbox"/>	<input type="checkbox"/>
Photo Developing Laboratory	<input type="checkbox"/>	<input type="checkbox"/>	Hospital	<input type="checkbox"/>	<input type="checkbox"/>
Junkyard or landfill	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural/Farming Operations	<input type="checkbox"/>	<input type="checkbox"/>
Tannery	<input type="checkbox"/>	<input type="checkbox"/>	Livestock Operations	<input type="checkbox"/>	<input type="checkbox"/>

oo. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

Yes No

pp. Is the project site near an industry disposing of chemicals or hazardous wastes?

Yes No

If Yes to any of the above, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

qq. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

Yes or No

rr. Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?

Yes No

If Yes, continue.

If No, provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

- ss. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. HUD requires an ASTM Phase I ESA for multifamily (5 or more units) and/or Non-residential properties for environmental review prepared under Part 50.)

Yes No

- tt. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II, or recommend Phase III environmental site assessments?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- uu. Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?

Yes or No

If Yes, continue below.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- vv. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- ww. Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?

Yes No

If Yes, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the

requirements of the appropriate Federal, state, or local oversight agency. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD cannot provide assistance for the project at this site.

Comments:

Cite and attach source documentation: (Maps showing project distance to contaminated sites. Phase I (ASTM) Report. All ESAs and mitigation plans performed for this project.)

For additional information see:

HUD Information on Hazardous, Toxic or Radioactive Substances

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous

NEPAssist: <http://134.67.99.123/nepassist/entry.aspx>

EPA Envirofacts Data:

<http://www.epa.gov/enviro/>

EPA Toxic Release Inventory (TRI):

http://www.epa.gov/enviro/html/toxic_releases.html

EPA Maps:

<http://www.epa.gov/emefdata/em4ef.home>

EPA CERCLIS/NPL – Superfund database:

<http://www.epa.gov/superfund/sites/query/basic.htm>

ATSDR “ToxFAQs” summaries about hazardous substances:

<http://www.atsdr.cdc.gov/toxfaqs/index.asp>

Right-To-Know Network: <http://www.rtknet.org/>

§58.5(J) ENVIRONMENTAL JUSTICE

(E.O. 12898)

- xx. Is the project located in or designed to serve a predominantly minority and low-income neighborhood?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- yy. Would there be an adverse environmental impact caused by the proposed action, or would the proposed action be subject to an existing adverse environmental impact?
 Yes No

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If Yes, perform an Environmental Justice (EJ) analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

- zz. Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community-at-large?
 Yes No

If Yes, Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, public participation processes must involve the affected population(s) in the decision-making process. Continue.

If No, compliance with this section is complete. Document the determination of no disproportionate impacts. Mark box “A” on the Statutory Checklist for this authority.

- aaa. Has the mitigation plan been approved by the RE and the impacted community?
 Yes No

If Yes, compliance with this section is complete. Include mitigation plan in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, Project cannot move forward until EJ issue is mitigated to the satisfactory of the RE and impacted community.

Comments:

Cite and attach source documentation: (Mapping of low-income and minority populations in the vicinity of the project site. EJ analysis. Mitigation Plan.)

For additional information see:

EJ maps & analysis, by location:

<http://www.scorecard.org/community/ej-index.tc1>

EPA’s “EJ View” Tool provides information relevant to EJ assessments:

<http://epamap14.epa.gov/ejmap/entry.html>

Census data and maps also avail-able at:

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

Tract-level data on race & income:

<http://www.ffiec.gov/geocode>

2. Summary of Mitigation Measures:

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etc. Ensure final measures are included in Project Description Section of 7015.15.)

3. References:

(List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project.)

4. List of Major Reports Obtained:

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments.)

18. List of Preparers and Summary of Qualifications:

IF PROJECT IS CATEGORICALLY EXCLUDED SUBJECT TO 58.5 STOP HERE

If the project required an Environmental Assessment Level Review please continue and complete the Environmental Assessment Checklist.

ENVIRONMENT ASSESSMENT CHECKLIST

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns		
Demographic		

Character Changes, Displacement		
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Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities		
Commercial Facilities		
Health Care and Social Services		
Solid Waste Disposal / Recycling		
Waste Water / Sanitary Sewers		
Water Supply		
Public Safety - Police, Fire and Emergency Medical		
Parks, Open Space and Recreation		
Transportation and Accessibility		

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources		
Vegetation, Wildlife		
Other Factors		

Additional Studies Performed:

Field Inspection (Date and completed by):

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

List of Permits Obtained:

Public Outreach [24 CFR 50.23 & 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)]:

Summary of Findings and Conclusions:

MITIGATION MEASURES AND CONDITIONS [40 CFR 1505.2(C)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project

contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]
 The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
 The project may significantly affect the quality of the human environment.

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